

It should further be noted that the specific jurisdictional issues listed in K.S.A. 44-534a dealing with whether claimant suffered an accidental injury, whether claimant's injury arose out of and in the course of her employment, whether notice was given or claim timely made, or whether certain defenses apply, were never raised by the claimant to the Appeals Board. As the Administrative Law Judge is specifically empowered under K.S.A. 44-534a(a)(1) to decide issues regarding the furnishing of medical treatment and the payment of temporary total disability compensation, and as neither of these issues are appealable from a preliminary hearing, it cannot be said that this appeal is properly before the Appeals Board. It cannot be found that the Administrative Law Judge in any way exceeded his jurisdiction in denying the relief requested. See K.S.A. 44-551 as amended by S.B. 59 (1995).

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the appeal of claimant should be and is hereby dismissed and the Order of Administrative Law Judge Steven J. Howard dated July 18, 1995, remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of October, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Steven D. Treaster, Overland Park, Kansas
John B. Rathmel, Overland Park, Kansas
Steven J. Howard, Administrative Law Judge
Philip S. Harness, Director